

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

ROBERT O'HARA, ET AL.,
Plaintiffs

CIVIL DOCKET NO. 1:22-CV-02090

VERSUS

DISTRICT JUDGE JOSEPH

ACE PROPERTY & CASUALTY
INSURANCE CO., ET AL.,
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

Plaintiffs O'Hara, Toups, and Reppel filed this lawsuit against ACE Property and Casualty Insurance Company (“ACE”), BXT, Inc. (“BXT”), and Cassandra Arnold (“Arnold”) in the Louisiana 9th Judicial District Court in Rapides Parish for damages arising from an automobile accident, as well as wrongful death and survival actions. ECF No. 1-2.

The accident was a collision between Arnold, who was driving an 18-wheel truck for her employer, BXT, and Maximillian Reppel, who was driving a Toyota Tacoma. Arnold’s truck was insured by ACE. Plaintiffs are Maximillian Reppel’s children and heirs. ECF Nos. 1, 7-1.

Defendant ACE contends it is “now known as” Chubb Insurance (“Chubb”).

Defendant ACE/Chubb removed on the basis of diversity. ECF No. 1-3.

The citizenship of an individual is his or her domicile, meaning the place where an individual resides and intends to remain. *See Acridge v. Evangelical Lutheran Good Samaritan Society*, 334 F.3d 444, 448 (5th Cir. 2003). A corporation shall be

deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business. *See Tewari De-Ox Systems, Inc. v. Mountain States/Rosen, L.L.C.*, 757 F.3d 481, 483 (5th Cir. 2014).

Chubb contends it is a citizen of Pennsylvania because its “it is a Pennsylvania insurance company having a principal place of business in Pennsylvania.” ECF No. 7 at 4.

The Pennsylvania Secretary of State shows that ACE is an active Pennsylvania corporation, that ACE has not been renamed or merged with Chubb, and that Chubb is a foreign corporation (Chubb Insurance Solutions Agency, Inc.) incorporated in New Jersey.¹ The New Jersey Secretary of State also shows that Chubb is a New Jersey corporation.

ACE’s corporate disclosure statement shows that ACE is an indirect, wholly owned subsidiary of Chubb Limited. ECF No. 5. ACE’s principal place of business has not been alleged.

Thus, it is not clear whether ACE has been informally renamed “Chubb Insurance” or whether ACE is now part of Chubb Insurance Solutions Agency, Inc.

¹ The principal place of business for ACE is not shown.

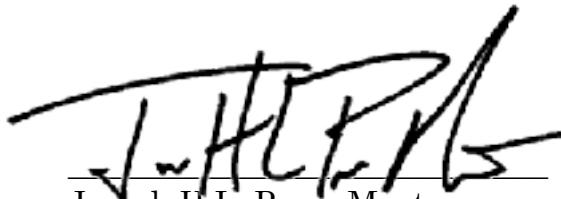
Whichever it is, Defendants have not satisfied their burden of establishing diversity jurisdiction by alleging ACE's and/or Chubb's place of incorporation *and* principal place of business.

Nor have Defendants alleged the principal place of business for BXT.²

Therefore, Defendants have not shown that diversity exists in this case.

Accordingly, IT IS ORDERED that Defendant ACE/Chubb show, within seven (7) days from the date of this order: (1) the current full legal name of the insurer of the 18-wheel truck driven by Arnold on the date of the accident (June 25, 2021); (2) the place of incorporation of that insurer; and (3) the principal place of business of that insurer.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this 26th day of June 2023.



Joseph H.L. Perez-Montes
United States Magistrate Judge

² Chubb contends (and the Illinois Secretary of States shows) that BXT is an Illinois corporation.